



Patent Docket P1110P1C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Avi J. Ashkenazi et al.

Serial No.: 09/887,879

Filed: June 21, 2001

For: Apo-2DcR

Group Art Unit: 1646

Examiner: C. Kaufman

Confirmation No: 9003

Customer No: 09157

CERTIFICATE OF EXPRESS MAILING

EXPRESS MAIL LABEL NO.; EV 351926114 US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450".

October 17, 2006

Diane L. Marschang

TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR Section
 1.181(a) and MPEP Section 711.03 (c) and enclosure;
 - 2. Return postcard.

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC

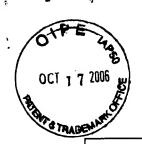
Date: October 17, 2006

Diane L. Marschang

Reg. No. 35,600

Telephone No. (650) 225-5416





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Ashkenazi et al.

Serial No.: 09/887,879

Filed:

June 21, 2001

For: Apo-2DcR

Group Art Unit: 1646

Examiner: Claire Kaufman

Confirmation No.9003

Customer no. 09157

CERTIFICATE OF EXPRESS MAILING

Express Mail Number: EV351926114 US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to " Commissioner for Patents. Alexandria. VA 22313-1450.

October 17, 2006

Diane L. Marschang

PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO 37 CFR § 1.181(a) and MPEP § 711.03(c)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment was mailed on August 22, 2006 by the Patent and Trademark Office for the above-referenced application. The Notice of Abandonment indicates that this application became abandoned due to Applicants' failure to timely file a response to the Office Action mailed on December 23, 2005. The Notice of Abandonment indicates that no response was received by the Office.

The Office is respectfully requested to withdraw the holding of abandonment for the reason that neither Applicants nor the undersigned attorney of record received the Office Action mailed December 23, 2005, and therefore, Applicants could not have filed any response thereto within the designated statutory period.

Upon receipt of the Notice of Abandonment dated August 22, 2006, the undersigned attorney of record inspected Applicants' file wrapper and docketing records for the application, and found no evidence that the December 23, 2005 Office Action was ever received. A copy of the

Serial No. 09/887,879 Page 2

docketing record in Applicants' Alecto patent database is attached hereto. If the December 23, 2005 Office Action had been received, it would have been entered into this Alecto patent database and docketed due dates for filing a reply would also have been entered. The attached copy of Applicants' docketing record is being supplied as evidence that such information was never entered for the present application and proof of non-receipt of the December 23, 2005 Office Action.

In view of the foregoing, the Office is respectfully requested to withdraw the holding of abandonment.

According to MPEP 711.03(c), no fee is due in connection with this petition pursuant to 37 CFR 1.181(a). In the unlikely event, however, that any fees are due, Applicants hereby authorize the Commissioner to deduct fees from our Deposit Account 07-0630 necessary to maintain the pendency of this application.

This petition is being filed within two (2) months of the mail date of the Notice of Abandonment and therefore is believed to be timely filed in accordance with the provisions of 37 CFR 1.181(f).

Respectfully submitted, GENENTECH, INC.

Date: October 17, 2006

Diane L. Marschang Req. No. 35,600

1 DNA Way

So. San Francisco, CA 94080-4990

Phone: (650) 225-5416 Fax: (650) 952-9881

